
**MONTANA JUDICIAL BRANCH
Child Abuse Diversion Project
March 2018 Update**

- ☐ The program, first enacted in 2015 and amended by the 2017 Legislature allows the department to refer certain cases to a court-based mediator to develop a mediated treatment plan.
- ☐ Cases can be referred to the mediation process within two days of a removal or within 30 days of a voluntary services agreement. Mediated agreements provide the framework for maintaining child safety and working toward the department's departure from the case.
- ☐ Child abuse and neglect cases place a large burden on the courts, public defenders and prosecutors. The legislation was created by the Section D subcommittee to relieve some of the pressure on courts and the justice system. Cases mediated under the diversion project are not filed in court and thus, not using OPD, court, and county attorney resources.
- ☐ The program is currently staffed by a .5 FTE with the OCA. The approximate budget is \$40,000 each year. The program is scheduled to sunset in 2019.
- ☐ In 2017, the District Courts had a record filing of 2,667 child abuse and neglect cases. Using the court's workload study data, these cases would require more than 9,000 hours of judicial time. Freeing up judicial time allows judges to hear other cases, which must be "bumped" for priority cases like child abuse and neglect.
- ☐ Since July 2017, a total of 72 diversion agreements were negotiated. Of those cases, 11 resulted in a court filing. To date, the remainder are still working within the mediated agreement or the agreement has ended successfully.
- ☐ Most of the referrals are in Cascade county but have also come from Flathead, Anaconda-Deer Lodge and Lewis and Clark counties.
- ☐ The OCA will decide this summer whether to request the 2019 Legislature to remove the sunset and continue to program. The decision will be made based on the number of referrals and whether those referrals are keeping the cases out of the legal system.
- ☐ The increasing number of referrals in the first few months of 2018, indicate it may be a successful strategy for managing cases. It certainly has potential to free up judicial time as well as OPD and prosecutor time.